

ARC RESIDENTIAL STIPULATION

1. The Assessment Review Commission (ARC) has offered to resolve challenges of the assessments for the specified residential property and tax year. Implementation of the ARC Residential Offer is conditioned upon taxpayer's timely acceptance and final approval by ARC.
2. Upon submission of a duly accepted stipulation, ARC shall promptly review it for approval and, if approved, issue a final determination within 60 days. If ARC disapproves, it will provide applicant's representative with written notice including an explanation of the reason for disapproval. If ARC disapproves or is unable to produce a determination within 60 days, taxpayer's representative may continue to prosecute any pending proceeding, or if the time for commencing a proceeding had not run at the time the offer was accepted, the taxpayer may commence a proceeding as provided by Real Property Tax Law § 523-b(11).
3. Upon such final approval, any Small Claims or other proceeding brought by or on behalf of the taxpayer for the tax year at issue is hereby discontinued with prejudice. If the ARC Residential Offer bears a Small Claims file number, the signed Residential Offer shall constitute a Small Claims Withdrawal. If a proceeding is pending but is not so identified, applicant's representative shall submit with the signed offer a separate stipulation withdrawing such proceeding. ARC shall hold the Withdrawal in escrow until it has issued its determination as provided herein. After the issuance of such determination by ARC, the County may file such Withdrawal with the Court without notice. If the ARC Offer is not finally approved and implemented, the Withdrawal shall be void and ARC shall promptly return it to taxpayer's representative. The taxpayer agrees that no further proceeding shall be commenced in respect to any assessment agreed upon in this stipulation.
4. The final determination will provide that:
 - a. The Board of Assessors and the Department of Assessment shall correct the final assessment roll as provided in the determination if the determination is issued prior to March 10, or such other date prescribed by the Board of Assessors, in the year in which the assessment becomes final, and, in all cases revise all other records of the assessments for the property to reflect the changes set forth in the determination.
 - b. The Receiver of Taxes for the town or city in which the property is situated shall issue a corrected tax bill for the current tax year.
 - c. The County Treasurer shall refund overpaid taxes to applicant's representative. If the property is an owner-occupied, exclusively residential one, two or three family home or Class 1 condominium unit, the Treasurer shall pay interest as provided in Real Property Tax Law § 734.
 - d. No costs shall be awarded in this matter.
5. Taxpayer and taxpayer's representative warrant and represent that, to their knowledge, no other person or entity has an interest in the tax years affected by this stipulation. In the event that all of the tax refund to be paid herein should have been paid to such person, taxpayer shall make such payment to such person and shall hold the County of Nassau free and harmless from any liability for any duplicate payment of a tax refund.
6. Taxpayer warrants that he or she owns the property and that to the best of taxpayer's information and belief all information submitted to taxpayer's representative in connection with this proceeding is accurate. Taxpayer further warrants that since the application was filed, and during the year preceding the application, the property has not been sold or placed under contract of sale, nor has there been a new building or addition to the existing building constructed, except as disclosed to ARC in writing.
7. The printed terms of paragraphs 1-6 and the ARC Residential Offer constitute the entire agreement of the parties except that, if multiple proceedings are listed, taxpayer's representative may initial the end of the line listing a proceeding to indicate that the offer with respect to that proceeding is not accepted.